

Zoning Board of Appeals -- Reasons

1. As depicted in the descriptions and drawings (provided at the _____ meeting) (received _____).
2. The Benefit to the Applicant DOES NOT Outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied.
3. The Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community therefore, the variance is granted.
4. The Board's decision is based upon the facts as presented during the public hearing.

AREA VARIANCE

Approval

1. Granting this variance is in keeping with the character of the neighborhood (as demonstrated by the applicant).
2. The variances will not change the character of the neighborhood, as there are other properties with similar (setbacks) (lot coverages) (with structures of similar height).
3. It is in keeping with the unique character of the neighborhood.
4. The granting of this variance will not have an adverse effect on the property or neighborhood.
5. This is a minimal variance / is not substantial from what it allowed by Town Code.
6. The proposed single-family dwelling will be set further from Canandaigua Lake than structures on adjoining properties. Therefore, preservation of lake views will be maintained.
7. Because of the configuration of the lot, the rear setback could also be construed as a side setback.
8. This is a minimal expansion of a non-conforming building on a non-conforming lot with little or no impact on neighbors.

9. The structure permitted by this variance is further from the road than the residence. The pre-existing non-conforming lot is configured such that compliance with the minimum setback would preclude any development of the lot whatsoever.
10. Although the applicants lack adequate road frontage, they meet or exceed the required lot size for the district.
11. So long as the two lots are functionally combined pursuant to our conditions there is no need to legally combine the lots to protect the character of the neighborhood.
12. The topography (natural features) limits the potential sites for the proposed structure (sign).
13. The variance will actually facilitate maintaining the character of the neighborhood
14. The grade of the property will not allow for an alternative location.
15. This is the only suitable location due to the existence of (other structures) (systems, utilities) (architectural features) (natural features).
16. The proposed structure will not encroach any closer to the property lines than the existing structures on the property.
17. This property is on a peninsula. There are no side setbacks and as such is held to a higher standard as these setbacks are being measured to the rear of the property instead of the side. Therefore, granting this variance will have no adverse effect on the neighborhood.
18. The applicant is maintaining the existing footprint so there will not be any impact on the neighborhood.
19. This is the minimal variance necessary to obtain the use of the structure by the property owner.
20. By granting this variance it will reduce the number of (non-conforming) structures on the subject property.

Denial

1. The applicants did not provide sufficient reasons or evidence to warrant granting this variance.
2. The applicant can achieve the desired results within code.
3. The applicants can achieve the desired benefits with a lesser variance.

4. Benefits can be achieved within code as stated by the applicant during the hearing.
5. The applicants could achieve their desired results in a manner closer to the character of the neighborhood.
6. By denying this variance it gives the applicant the opportunity to use more flexibility in designing the layout of the proposed residence.
7. The applicant has other means to achieve their desired results.
8. By granting this variance it would create an undesirable precedent.
9. The variance is substantial when viewed with the entire lot.
10. The requested area variance is a minimal change from the original application.
11. Two additional variances have been added to the project that could cause a safety hazard.
12. Allowing numerous variances for additional development on such lots only adds to the damage being done incrementally year after year to the lakefront and the lake itself.
13. Allowing the (creation) (expansion) of such non-conforming (lots) (building) without any compelling reason or unusual circumstance undermines the intent of dimensional criteria.
14. Prior correspondence received by the Canandaigua City Fire Chief, would indicate there are substantial fire and safety issues by granting this variance.
15. Correspondence received by the Canandaigua City Fire Chief, Robert Case, dated _____ regarding safety and fire concerns would indicate there are substantial fire and safety issues by granting this variance.
16. Property maintenance / snow removal would be of a cause of concern.

ZONING OFFICERS DETERMINATION

The Board decision to overturn or uphold the zoning officer's determination should not be taken to indicate a general finding as to whether the requested uses are generally included within the uses permitted by code. The Board's determination was specific to the facts and the particular use described by the applicant in this instance.

USE VARIANCE REASONS

Denial

That the applicant has failed to prove unnecessary hardship through the application of the four tests required by the state statutes.

Approval

That the applicant has proven unnecessary hardship through the application of the four tests required by the state statutes. In finding such hardship, the ZBA shall grants a variance to allow use of the property in the manner detailed below, which is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community.